

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:22-cv-00223-MR-WCM**

**BORGWARNER THERMAL SYSTEMS)
INC. and BORGWARNER TURBO)
SYSTEMS, LLC,)**

Plaintiffs,)

vs.)

**CENTURION CAPITAL)
INVESTMENTS,LLC,)**

Defendant.)

ORDER

THIS MATTER is before the Court on the Defendant's Motion to Dismiss [Doc. 8]; the Magistrate Judge's Memorandum and Recommendation [Doc. 18] regarding the disposition of that motion; and the Defendant's Partial Objection to the Magistrate Judge's Memorandum and Recommendation [Doc. 19].

Pursuant to 28 U.S.C. § 636(b) and the Standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the Defendant's motion and to submit a recommendation for its disposition. On August 8, 2023, the Magistrate Judge issued a Memorandum and Recommendation, recommending that


the Defendant's motion be denied. [Doc. 18]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. [Id.]. The Defendant filed its Partial Objection on August 22, 2023. [Doc. 19]. The Plaintiffs filed their Reply on September 5, 2023. [Doc. 20].

After a careful review of the Memorandum and Recommendation, the Court concludes that the Magistrate Judge's proposed conclusions of law are correct and are consistent with current case law. Accordingly, the Court overrules the Defendant's Partial Objection and accepts the Magistrate Judge's recommendation that the Defendant's Motion to Dismiss be denied.

IT IS, THEREFORE, ORDERED that Defendant's Partial Objection [Doc. 19] are **OVERRULED**, and the Magistrate Judge's Memorandum and Recommendation [Doc. 18] is **ACCEPTED**.

IT IS FURTHER ORDERED that the Defendant's Motion to Dismiss [Doc. 8] is **DENIED**.

IT IS SO ORDERED. Signed: September 7, 2023



Martin Reidinger
Chief United States District Judge

